

6/24/01 by
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Date: May 10, 2001

Docket No.: 0965-0232P

Appl. No.: 09/118,833

Conf. No.: _____

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BOX CPA
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a Request for filing a continued prosecution application under 37 C.F.R. § 1.53(d) of prior Application No. 09/118,833 entitled SOLID ELECTROLYTE TYPE FUEL BATTERY by the following named Inventor(s):

Toshiro NISHI, Nobuaki MURAKAMI, Hirokazu YAMAMOTO

- This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d) (4).
a. **DELETE** the following inventor(s) named in the prior nonprovisional application:
b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

The above-identified prior application, in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all of the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1. Enter the Amendment previously filed September 11, 2000, and February 12, 2001, under 37 C.F.R. § 1.116 but unentered, in the prior application.
2. A Preliminary Amendment is enclosed.
3. An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
4. A new power of attorney or authorization of agent is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

			LARGE ENTITY	SMALL ENTITY
	BASIC FEE		\$710.00	\$355.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	14-20=	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	4-3=	1	x 80 = \$80.00	x 40 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$270.00	+ \$135 00
		TOTAL	\$790.00	\$0.00

5. Small entity status: Applicant claims small entity status. See 37 C.F.R. § 1.27.
6. Priority of Application No(s). 9-214358 filed in Japan on August 8, 1997 is claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on July 20, 1998.
7. Priority of International Appl. filed on under the Patent Cooperation Treaty and Application No(s). filed in on under 35 U.S.C. § 119 are hereby reclaimed.

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U.S. PATENT AND TRADEMARK OFFICE

8. Address all future communications to:
- BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
Telephone: (703) 205-8000
or
Customer No. 2292
9. The applicant(s) hereby petition(s) for an extension of five (5) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). The fee has been calculated as shown below:
- NO extensions of time have been previously obtained in the prior application. Thus, a fee of \$0.00 is required for the full period of the above-requested extension of time.
- An extension of two (2) month(s) was previously requested and paid for on February 12, 2001 in the prior application. Thus, a fee of \$1,500.00 is required to obtain an additional three (3) month(s) in order to establish co-pendency with the present application.
10. Applicant requests suspension of action under 37 C.F.R. § 1.103(b) for a period of three (3) months (not to exceed 3 months) and the fee of \$130.00 under 37 C.F.R. § 1.17(i) is enclosed.
11. A check in the amount of \$2,420.00 is enclosed.
12. Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
13. The filing fee is NOT attached. Please issue a Notice requesting the filing fee.
14. Also enclosed herewith is the following:
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all of the other applications in the same file wrapper.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Marc S. Weiner, #32,181

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Attachments

(Rev. 01/22/01)